

From Absent to Present Pasts: Civil Society, Democracy and the Shifting Place of Memory in Brazil

Abstract

This paper takes Alexis de Tocqueville's *concern* with the emotional life of citizens as a cue for exploring *the role of collective memory within 'the self-organizing sphere'* and asking how the invocation of memory affects progress towards democracy. The paper hones in on the Brazilian experience, re-assessing *Brazil's amnesiac past as well as its much lauded 'turn to memory'*. Against *common assertions that Brazil's 'turn to memory' will enhance the country's democratic credentials*, this paper argues *that the move from an 'absent' to a 'present' past in Brazil in fact bodes rather mixed prospects for the country's democratic deepening*.

Key words: civil society, democracy, collective memory, Brazil, Tocqueville, truth and justice

Introduction

During Brazil's period of military rule (1964-1985), social struggles were heavily repressed. Thousands of alleged dissidents were imprisoned and/or harassed by police, many were exiled and hundreds were illegally executed. Brazil's military period was characterised by extra-constitutional decrees, arbitrary implementation of the rule of law and high levels of police violence. Despite harrowing tales of torture, intimidation and oppression of oppositional voices, establishing a 'culture of memory' relating to Brazil's dictatorship years has been a slow and rather uncertain process. Whilst neighboring Argentina established its National Commission on the Disappearance of Persons shortly after the collapse of the military regime in 1983 and Chile created the National Commission for Truth and Reconciliation immediately after the return to civilian rule in 1990, successive Brazilian governments avoided taking measures to come to terms with the country's authoritarian past. Since 2005 however, there has been a notable turnaround in official state discourse. The Federal Government, under the leadership of the Partido dos Trabalhadores (Workers Party or PT), has actively promoted a new culture of memory around the dictatorship years. It has argued that the new memory politics is an 'epilogue to the democratic transition' (Amorim 2011), hastening Brazil's progress towards democratic consolidation. But is this really the case? What does the existing wisdom tell us and how is this borne out in the Brazilian example? This paper aims to tackle these questions and more.

Despite a raft of scholarship from the liberal tradition suggesting that a strong civil society presence facilitates progress towards democratic deepening, to date there has been little extensive discussion of collective memory as one of the factors linking associational forms to political outcomes. In order to address this gap, the paper first revisits and connects scholarly works from the traditions of civil society and social memory studies. By weaving together the fragments of existing wisdom from these two traditions, the paper not only disrupts dominant Neo-Tocquevillean accounts that largely neglect the ideational, emotional and normative substance of civil society, it also proffers that when actors within civil society are pressed to remember, the consequences for democracy may be quite varied. With this in mind, the paper then moves on to explore and apply pressure to claims that Brazil's 'turn to memory' will enhance the country's democratic credentials. It concludes that the shift from an 'absent' to a 'present' past in Brazil in fact holds rather uncertain prospects for democratic deepening.

On civic association and democratic deepening: Tocqueville revisited

In recent decades there has been a surge of academic interest in the broad range of social institutions and associational forms that operate outside the confines of the state. Drawing on the works of Alexis de Tocqueville and Antonio Gramsci amongst others, academics from both liberal and critical traditions have attributed value to the existence of a 'self-organising sphere'. In both traditions, civil society is assumed to constitute a crucial check on governmental power. Scholars drawing on the Gramscian tradition have underlined how civil society operates as the site of bourgeois dominance and counter-hegemonic struggle (Kumar 1993; Cox 1999; Anheier et al. 2001). However, the liberal view which elevates the relationship between dense associational forms and 'democratic deepening' has been far more

influential among political officials and institutions, informing policy prescriptions from national and international centres of power. For this reason, the paper deals exclusively with civil society discourses in the liberal tradition, and in particular the work of the French aristocrat Alexis de Tocqueville. Tocqueville's travelogues from his journey to the United States drew links between the interactions that occur within private associations and democratic stability. Although Tocqueville probably overstated the exceptionality of the American system and its democratic credentials, his insights were nonetheless valuable. His early 19th Century observations of American political culture led him believe that forms of voluntary association and sociable interaction amongst men [sic] were what could prevent democratic societies from descending into a chaos born of egoism, greed and disorder of the human soul.

In fact, in Tocqueville's personal letters, he showed a great concern for the emotional substance of political and social life, claiming that 'states were not defined by their laws, but rather from their origins by the feelings, thought processes, ideas, hearts and minds of their inhabitants' (letter dated 26 October 1853, cited by Hoffman 2006). Moreover, in some correspondence he appears to lament the growing primacy of scientific reason, suggesting that, '[w]hat one meets with least frequently in these days are true and lasting passions, influencing and directing the whole life....Doubt and philanthropy make us shrink from all action, whether for the purpose of effecting great good or great evil; and we are always languidly engaged in the pursuit of trifles, none of which really attract, repel us, or fix us' (de Tocqueville: letter to M. J. J. Ampère, dated 1841).

In the twentieth century, Robert Putnam brought Tocquevillean ideas back into the fold with his claim that, 'democracy is strengthened, not weakened, when it faces a vigorous civil society' (Putnam 1993:182) and that Civil Society Organizations (CSO's) could play a major role in building citizenship skills. Putnam's liberal contemporaries concurred:

...an abundant stock of social capital is presumably what produces a dense civil society, which in turn has been almost universally seen as a necessary condition for modern liberal democracy... If such a political system is not to degenerate into anarchy, the society that subsists in that protected sphere must be capable of organising itself (Fukuyama 2001:7).

In the post Cold War context, neo-Tocquevillean ideas became particularly influential as political theorists and policymakers sought out models to democratize states 'brought in from the cold'. Today, references to civil society have become an almost obligatory insert for policy discussions and reports relating to development and democracy promotion. The World Bank (2014) claims for instance that, '[it] has learned through these three decades of interaction that the participation of [CSO's] in government development projects and programs can enhance their operational performance by contributing local knowledge, providing technical expertise, and leveraging social capital. Further, CSOs can bring innovative ideas and solutions, as well as participatory approaches, to solving local problems'. In turn, USAID (2014) argues that a vibrant civil society is a necessary requirement for a democratic political culture.

However, the overriding emphasis in neo-Tocquevillean liberalism is on the presence and density of associations rather than the substance of them. Putnam's 'Bowling Alone' for example, uses membership of choral societies, football clubs and other associations as a proxy for an organized reciprocity that is in turn treated as a precondition for socioeconomic modernisation and democracy. He bemoans the decline in associational memberships, suggesting that Americans ought to 'do something' to stall the resulting 'democratic disarray' (Putnam 1995). 'High on America's agenda should be the question of how to reverse these adverse trends in social connectedness, thus restoring civic engagement and civic trust' (Putnam 1995:76). Discounting Tocqueville's own historico-cultural sensibility and concern for the emotional substance of civil society, these works tend to reduce the relationship between civil society and democracy to a numbers game that is broadly replicable in any context.

Of course, the very nature of democratic political culture is a source of contestation. There remains a good deal of debate surrounding the relative pros and cons of procedural versus substantive variants of democracy and there is considerable disagreement over the point at which a country might be considered to have consolidated its democracy. Definitions offered by so-called 'minimalists' suggest that democracy can be considered consolidated when formal legal institutions such as universal suffrage, freedom of speech and association exist in parallel with sequential unimpeded national elections. The problem with this approach however is that the presence of legal and formal institutions do not often provide any kind of guarantee against forms of corruption and exclusion stemming from entrenched socio-economic inequalities and patterns of dominance (Schatz and Gutierrez Rexach 2002). Rather, there is a wide range of attitudinal, institutional and procedural requirements that must be met for democracy to be considered consolidated (O'Donnell 1996; Schedler 1998). With this in mind, Encarnación (2003; 2014) has developed a definition which attends to some of the weaknesses of more shallow models. For him, three things in particular are seen as suggesting a high level of overall quality of democracy: (1) civilian control of the military; (2) adherence to a broad menu of civil rights and political liberties; and (3) widespread acceptance of democracy by the citizenry as the best form of government: in other words, "democratic legitimacy." (Encarnación 2014:45).

Using this definition, Encarnación (2003) finds that the empirical evidence on the democratizing power of a dense associational landscape at the national level is by no means conclusive. A close reading of national experiences in Europe, for example, does not really support the liberal claim. When comparing Britain, France, the Netherlands and Belgium with those states that descended into communism, fascism, corporatism and other political 'evils' in the early twentieth century, 'the particulars of the constitution of domestic civil society proved to be a poor indicator for predicting the development of democracy' (Encarnación 2003:5). As he points out, countries like Germany and Italy had some of the densest civil societies in the late nineteenth century but found it challenging to build enduring democratic institutions as they moved into the next century. As Bemeo and Nord (2000:xvi) state, 'not all civil societies, however dense and vibrant, give birth to democratic polities'.

Furthermore, dense associational landscapes at the domestic level do not appear

consistently as precursors to the demise of authoritarian regimes. Huntington's 'third wave of democratization' beginning in the late 1970s and culminating with the spectacular collapse of the Soviet Union in 1990, conceals a huge diversity of domestic responses and varying degrees of civic pressure for change. 'The spate of new democracies born out of this democratic revolution demonstrates that a stable democratic public life can in fact be attained when lacking most of the conditions usually attached to a vibrant and robust civil society' (Encarnación 2003:16). Moreover, while it is true that some publics engaged in widespread protests that ushered in new political systems, in several Latin American countries, the support of transnational activist networks was perhaps as important to discrediting the regimes as existing forms of domestic association (Keck and Sikkink 1998).

These discrepancies highlight some decisive flaws in the neo-Tocquevillean formula. Firstly, it remains largely unclear as to just how civic association facilitates democratic deepening. Some liberal optimists offer platitudes about civic virtues - tolerance, civility, nonviolence and disposition toward the public good - that are thought to be enhanced when all parts of the public can organize effectively to communicate their views outside of state-controlled channels. But crucially as James Holston (2008:13) argues, a self-organizing demos can cement a particular regime of citizenship as well as contest it: '...human agency also produces entrenchment, persistence and inertia' which can of course stall progress towards better quality democracy.

In some societies, non-state actors may be so dispersed or fragmented that governmental action or resources are needed to kick-start or add momentum to civil society organization. But many have quite rightly questioned whether the state can or should step in as a facilitator or benefactor of civil society, raising valid concerns that such relationships jeopardize the autonomy of non-state actors. Foley and Edwards (1996:38) also ask, '[i]f, as some hold, civil society's chief virtue is its ability to act as an organized counterweight to the state, to what extent can this happen without the help of political parties and expressly political movements?'. Thus, related to the question of how civic association leads to democratic deepening is the question of what civil society is: What kinds of actors does it include and exclude? Where do its boundaries lie? In the sense that civil society is frequently defined by what it is not - the government - all manner of alliances and institutions might be considered under its banner. In the broadest definitions, the media industries, the market and corporations can be said to belong to civil society, alongside criminal networks and gangs. But then we might well be inclined to ask why associational networks should be disposed toward inclusivity, civility and the public good at all.

The point to be made is that there are of course no automatic links between the presence of dense organizational networks and the democratic credentials of a nation. As Waisman, Feinburg and Zamosc (2006:1) suggest, despite the resurgence of interest in de Tocqueville's work, the 'specific processes that link civil society and politics have not been conceptualized with precision'. Social scientists should be prepared to investigate these processes; asking for example, whether dominant thought processes, ideas and connective practices within the self-organizing sphere are attuned to and indeed compatible with democratic imperatives. If so, how and in what ways? In this sense, rather more important than

the mere presence of forms of civic association, are what Tocqueville himself originally described in terms of the 'sentiments and ideas' that renew themselves through reciprocal action of men [sic] upon each other. In other words, the emotional and ideational substance that animates civil society networks and informs their activities.

Collective memory, civil society and democracy

The term 'collective memory' was coined by the French sociologist Maurice Halbwachs in his publication, *La Mémoire Collective* (1950). In his writing, Halbwachs explored the nature and constitution of individual memories, arguing that all individual memory was constructed within social structures and institutions such as the family, organization, and the nation-state. This insight has provided a point of departure for a range of interesting works exploring the foundational make-up of groups, communities and nations. As Kansteiner (2002:180) states, '[c]ollective memory is not history, though it is sometimes made from similar material'. Communities of all sizes and types invoke stories, cultural artifacts, traditions and music in order to preserve a certain continuity and connection with the past. Crucially, these collectively valued objects and representations work to preserve and foment group unity or association. Collective memory may be thought of as the glue that binds civil society and its constitutive elements. Yet somewhat curiously, the phenomenon of collective memory is often absent in discussions about civil society and its democratising propensities. In the section that follows, I review some key interventions from the field of collective memory with the aim of illuminating just how collective memory animates civil society and influences progress towards democracy.

Collective or cultural memory to some degree determines what kinds of political ideas and practices become dominant in civil society. According to Mohtashemi and Mui (2003) for example, collective memory is a strong source of connectivity and knowledge within networks of friends and social groupings. It provides a foundation upon which to draw when making decisions about how and when to act in an altruistic manner. Collective memory, then, helps determine the scope of who or what groups are 'deserving' of our charitable giving and other extensions of civic practice. Collective memory is heavily bound up with national and group identity. Habashi (2013) offers one strong example in the oral story-telling practices of Palestinian children. She shows how such practices serve to underline feelings of community, unity and continuity. She underlines the ways in which children's recollection of historical narratives alongside their own experiences as refugees in fact transforms the national narrative, enabling them to become co-authors of collective memory. Indeed, collective memory may be considered a crucial source of group identification and solidarity as individuals can appeal to shared experiences and understandings in order to negotiate and build a sense of history, place and belonging. Therefore, it frequently provides a benchmark and impetus for collective claim-making practices which act as a check on governmental power. Moreover, where civil society groups have experienced a democratic system in which their actions contribute to a broader architecture of accountability and representation, that experience may help sustain the stability of this political system.

Rallying against Agnes Heller's suggestion that modern civil society lacks collective or cultural memory (Heller 2001), a number of scholars have forcefully argued that memory is gaining an ever stronger presence in art, literature and political discourse. Olick (1998) and Huyssen (2000; 2011) are amongst those who observe a significant shift away from the future-orientation of modernist and high modernist projects of the earlier twentieth century, towards a contemporary 'memory boom' that attaches value to shared processes of recollection. But what has caused this shift? Olick (1998) highlights that the growth of scholarly and societal interest in memory has in part followed on from global political developments, including the increase in redress and reparation claims which can be traced back to the universal impact of the Holocaust and the Nuremburg trials. Huyssen (2000) however, offers some alternative ideas, arguing that the move from 'present futures' to 'present pasts' is driven by processes of globalisation and has both an historical and a phenomenological dimension. On the one hand, recovering distinct memories can be seen as a step in the process of decolonisation as it opens up history for previously marginalised groups, making them owners and producers of social knowledge. This seems like an inherently democratic process. On the other hand, the turn towards memory can be seen as a reaction to globalisation in which cultures, communities and nations grapple for some kind of anchoring in a world transformed by dizzying transnational flows and densities of information. This is where things begin to get complicated for democracy.

As Misztal (2010) suggests, globalisation pulls us in opposite directions and raises the question of what we ought to remember in the new global age. The issue is that globalisation processes entice us to forget the local and national identities that have stabilised the Westphalian system so as to make way for the emergence of new global connections. In the wake of this decoupling of nation and identity in the some social forces have pushed ever harder to reclaim and protect national symbols, customs and languages. For example, scholars Hamber and Wilson (2002) highlight the preponderance of nationalist discourse in the recent literature on truth commissions. Following Michael Ignatieff, they claim that although truth commissions may provide a useful platform for civil society groups to initiate an ongoing dialogue about the past, the processes themselves are often cloaked in claims about 'healing the nation' by fomenting a common, singular and shared memory of a troubled past. The extent to which supplanting one dominant memory with another can improve the stability of the political system is questionable. This is not in the least because the memory can 'cut both ways', promoting closure and healing in society or creating new chasms, cleavages and animosities by advancing the experiences of a particular group.

It is perhaps no wonder then that some political philosophers have promoted collective forgetting as a pre-condition for a new polity. The works of Rawls and Hobbes provide precedents for a kind of "democratic forgetting" that allowed society to start afresh without inherited resentments. Some of these arguments are borne out in Encarnación's *Democracy without Justice in Spain*. In this study, the author offers a detailed overview of Spanish history since the civil war. Encarnación (2014:187) stresses the uniqueness of Spain as a country that has encouraged a politics of forgetting in order to create and solidify its democratic institutions. He argues that the Spanish example offers strong evidence to the power of forgetting

and underlines that, 'coming to terms with the past is not as static or formulaic a process as the transitional justice movement would suggest'. As Misztal (2005:1326) summarises, sometimes forgetting is a necessity. This is because,

[p]reoccupation with memory of the past injustices could easily lead to social conflicts because it enhances 'the collective narcissism of minor differences' that forms 'the basis of feelings of strangers and hostility' between people...Groups that turn toward their past to glorify specific aspects of it and demand a recognition of suffering risk allowing collective memory to be used as a political instrument that legitimises myths and nationalist propaganda. Such fascination with memory might become an obstacle to democracy because groups compete for recognition of suffering, undermining the democratic spirit of cooperation.

The dynamism of history and the incongruity between past and present social conditions are what allow collective memory to evolve, but the ever-present gap between what was and what is remembered makes collective memory susceptible to instrumentalism. Hence, Paul Ricoeur (2004) suggests that memory might be thrice used and abused: it may be stymied, forced or manipulated for ideological purposes. He argues that in the latter is the most disquieting of abuses. This is because ideology and interest remains masked with the invocation of collective memory:

Memory can be ideologized through the resources of the variations offered by the work of narrative configuration... the means of a clever strategy, consisting from the outset in a strategy of forgetting as much as in a strategy of remembering... At this level of appearance, imposed memory is armed with a history that is itself 'authorised', the official history, the publicly learned and celebrated. (Ricoeur 2004:85)

He also warns, that all cues for remembering should be probed to reveal their omissions: in prompting us to remember something particular, what do they simultaneously encourage us to forget? Such cues should also be critically evaluated in light of whose interests they promote and whether they do indeed foster the realisation of democratic expression and civic will.

Taken together, these debates suggest that collective memory can be a source of strength and integration for civil society but there is no guarantee that the invocation of collective memory will enhance the civic virtues anticipated by liberal theorists. Appeals to collective memory may well be important for building unity, solidarity, sense of place and purpose but we should also be sensitive to the violence done by projects that seek to homogenise distinct recollections, especially when such projects harbour interests that run counter to the goals of freedom and equality. It is crucial to note that collective memory is itself the site of strategic action, where interests may be pursued in contradistinction to democratic outcomes. The sections that follow endeavour to demonstrate the relevance of some of these insights in the Brazilian case.

Brazil: from ditadura to distensão

During the period of military rule in Brazil, social struggles were heavily repressed, thousands of alleged dissidents were imprisoned or harassed by police, many were exiled and a number estimated in the hundreds were illegally executed. Yet, Brazil has been far slower to address its military past than neighbouring states, leading some scholars to describe the country as a 'regional outlier' (Atencio 2014) and others to identify a pervasive 'culture of amnesia' (Schneider 2011) that has affected the nation. Collective remembering is only possible to the extent that events and processes from the past are revisited and publicly validated through representative and communicative practices within society. Indeed, 'our impressions yield to the forms that social life imposes on them' (Halbwachs 1992:49). This section reviews existing scholarship and identifies a range of pressures to close down on the collective memory of violence and atrocities committed during Brazil's authoritarian period, including: the regime's ability to tap into national pride by usurping the memory of Brazil's 'unfulfilled promise', a strong degree of complicity from the mainstream media, and a strategic *continuismo* that characterised the country's process of transition.

2014 marked the 50th anniversary of the coup which ousted the democratically elected president João Goulart in 1964. On the 22nd of March of that year, over a million Brazilian citizens participated in the 'March of the Family with God' a demonstration against Goulart's proposed social reforms and the supposed communist threat to the nation. Not all of the marchers had favored a coup. Yet, the demonstration lent a semblance of popular support to the operation that followed shortly thereafter, installing a military regime that would last for 21 years, the longest in modern Latin American history. Upon seizing power, the self-styled 'Supreme Command of the Revolution' set about instituting a series of *Atos Institucionais* (Institutional Acts or AIs) reducing the civil service, suspending political rights and establishing a bogus two-party system that prevented the direct election of presidents and governors – a measure designed to offer a thin veneer of democratic legitimacy.

Although each of the six military administrations were implicated in the abuse of power through institutionalised torture and arbitrary arrest, General Emílio Garrastazu Médici presided over the most violent period of rule between 1969 and 1974. Dubbed the '*era dos desaparecidos*' (era of the disappeared) at least 170 alleged opponents are said to have been killed during Médici's time in office, and many more were tortured in army and police cells. Whilst sanctioning extreme levels of violence to reign in alleged militants, Médici doubled as an economic virtuoso, overseeing a booming economy that achieved growth rates of over 10% a year. Moreover, the construction of the Trans-Amazonian Highway and the world's largest hydroelectric dam in the Rio Paraná, at Itaipu were lauded by the Médici administration as opportunities to lift the hinterland out of poverty and consolidate mastery over the intractable rainforest. Although several campaign groups tried to raise the profile of indigenous groups that were displaced or killed to make way for these large-scale 'modernizing' projects (McDonald 1993), the economic successes of the military republic pacified many sectors of Brazilian society and tapped into dormant hopes that Brazil would finally emerge as the 'country of the future'

envisioned by Stephan Zweig in 1941. Eakin (1998) and others elaborate on the idea of an '*unfulfilled promise*' that has long-permeated the Brazilian collective psyche and political discourse: in spite of the country's massive size, huge population, rich culture and incredible array of natural resources it has remained a 'sleeping giant' unable to mobilize its strengths to emerge as a world power.

Finding another clever way to tap into this aspect of national discomfiture, the Medici government successfully cloaked itself in the glory of the Brazil's 1970 World Cup victory. Medici declared a national holiday to acknowledge celebrations taking place on the streets. His office distributed posters that featured the footballer Pele scoring a goal and the slogan, 'Ninguém segura mais este pais' (Nobody can stop this country now). Others read 'Pra Frente Brasil' (Forward Brazil). Skidmore (1988) describes this as a 'bread and circuses strategy' designed to distract the povo (people or masses) from international criticisms of repression and turn Medici into a national hero.

Rothstein (2000) underlines the strong influence of 'information entrepreneurs', such as media gatekeepers and politicians over what becomes regarded as 'truth' in society. From the time of the coup until Brazil's period of opening up, known as the *distensão* (decompression), the military establishment's pronouncements and rhetoric were given credence, amplification and support by many of Brazil's largest news providers. Straubhaar's entry for the Encyclopedia of Television claims that the military governments saw televisual communication as a key tool for boosting nationalism, creating a broader consumer economy and controlling information. He continues: 'The military pushed television deeper into the population by subsidizing [sic] credit for set sales [and] by building national microwave and satellite distribution systems'. Globo, Rede Record, O Estado de Sao Paulo, Folha de Sao Paulo, Jornal do Brasil and Correio da Manha have all at some point been implicated in providing a platform for the regime (Coelho 2013). TV Globo was founded the same year as the military coup and it became a privileged partner for the regime. Atencio (2014) describes some of the rewards Globo received for their loyalty including being permitted to pursue a joint venture with the Time-Life Corporation which cemented the company's leading market position and brought it enormous financial rewards.

Beginning in 1974 and culminating with direct presidential elections in 1985, Brazil's democratic transition was extremely protracted. Over this period, new political freedoms and higher levels of tolerance towards protesters were seen to emerge incrementally. In the early 1980s, as the country began to open up, there was considerable coverage of the regime's abuses of power in the mainstream Brazilian print media. The magazine *Veja*, for example, published several high-profile articles, including an exclusive interview with Amilcar Lobo, a doctor who assisted in torture sessions. With the Geisel administration easing up on press censorship, major newspapers and magazines catered to the public's thirst for information about the dictatorship's secret human rights crimes through coverage of the waves of returning exiles, hunger strikes waged by the few remaining political prisoners. Yet, there was little to no parallel coverage on television, which was at the time dominated by the Globo network. In 1984, TV Globo initially supported the military government against the nationwide campaign for direct elections known as the *Diretas-Ja* movement. All in all, inconsistent - and sometimes really quite favorable - coverage of the regime's

activities helped to entrench the idea that the dictatorship was comparably 'soft' on its opponents.

The Brazilian *distensão* also featured a range of carefully calculated gestures which variously called upon and regulated the collective memory of the nation. Important among these was Law 6,683, popularly known as the Amnesty Law. This law had come into force following a widespread campaign by the Brazilian Amnesty Committee (CBA, acronym in Portuguese), Women's Movement for Amnesty (MFPA, acronym in Portuguese), the student movement, as well as other pro-amnesty units inside and outside the country that called for the pardoning of activists, exiles and political prisoners. Although the campaign succeeded in getting a bill passed, the final version of the law, which came into force in 1979, covered not only the regime's various opponents but also state torturers. As a result it provided lasting impunity for a great many of Brazil's military and security officers. 'In the case of the dead and the disappeared, the law instituted a certificate of unknown whereabouts with presumed death which exempted the State from investigating the circumstances of the crimes or even the whereabouts of the bodies' (Teles 2006). Exploring a range of activist testimonies from the time, Atencio (2014) finds that a strong number favoured a strategy of conciliation with the regime. As a result, the 'reciprocal' Amnesty Law was broadly accepted despite quite minimal concessions from the government. Schneider adds that dominant civil society groups rejected a more confrontational approach in favour of a general amnesty that would 'reconcile the Brazilian family' (Schneider 2010; 2011).

In a fascinating study, Rodeghero (2014) unpicks the metaphor of familial reconciliation in Brazil which she finds ubiquitous in interviews, correspondence, newspaper cuttings, pamphlets and manifestos from both 1945 - the end of the *Estado Novo* period - and 1979. Rodeghero (2014) finds clear parallels in the language used in 1945, when Getulio Vargas permitted the reintegration of political opponents, and the movement for political amnesty which mobilized between 1975-79. She expands:

The much talked about pacification or reconciliation of the Brazilian family, [is a] characteristic element of our political tradition, close to conciliation. Conciliation is part of a recurring trend in Brazilian political history of arrangements between the political elite whereby, according to José Honório Rodrigues, they have learned that it is the best strategy to avert popular participation and the claims of the "people" in situations of risk (Rodrigues, 1982). According to Renato Lemos, the tradition of amnesty during Brazilian history reflects "wider traditions: conciliation as a form of protecting the fundamental interests of the dominant classes in our society and that of preventive counter-revolution as an anti-crisis strategy"... (Rodeghero 2014).

Effectively, Rodeghero identifies the strategy of conciliation as long-entrenched in the collective memory of the nation; a tradition or practice - hinged on forgetting - that has been recurrently called forth to deal with the political conflicts of the day.

Built into the Brazilian tradition of conciliation, is a pattern of advantage that consistently favours the interests of elites. Teles (2006) and others have lamented that, as Brazil opened up, 'The crimes of the dictatorship were simply no matter for discussion, not even so that they could be objectively forgiven'. In Rodeghero's work we get a glimpse of how collective memory can in fact limit the ambitions of popular movements and regulate ways of 'doing politics'. This has a certain resonance with Paul Amar's recent work on 'parastatal formations', which illuminates how civil society actors sometimes unwittingly come to perform the public functions of the state (Amar 2011).

A wide range of authors including Mainwaring (1986); Linz and Stepan (1996) and Zaverucha (1994), Arturi (2001); Gugliano and Gallo (2013) have commented on the *continuismo* (continuities) that characterised the Brazilian democratic transition. Mainwaring (1986) for example explains the outgoing regime's endeavours to split the emergent opposition into discordant factions. Meanwhile, Goes (2013) highlights that during the Constituent Assembly of 1988, most of the clauses that could have curtailed military impunity were skilfully and strategically omitted. Within the new civilian administration, military officials remained in positions of influence. Even the first civilian President, Jose Sarney, had long-standing connections to the outgoing regime, having previously led the government party ARENA.

As Atencio (2014:13) points out, 'Brazil's first civilian President in more than twenty years took no meaningful steps toward reckoning with such crimes during his administration; to the contrary, he made a practice of pointedly ignoring the question...'. In the years following the formal transition, sequential '...democratic governments chose to confront the authoritarian past through avoidance' (Goes 2013:90), upholding an amnesty law designed to foreclose on calls for truth, justice and remembrance and repeatedly conceding to the demands and interests of the military establishment. Referring to the 1985 publication of *Brasil: Nunca Mais*, a book documenting 17,000 victims, and 1,800 torture episodes between 1964 and 1979, Patrick Wilcken (2012:70) states:

In any other context, a book like *Brasil: Nunca Mais* would have created ripple effects, as cases, names and methods were laid bare—not as loose, possibly politicized allegations, but in the black-and-white of court papers. But in post-dictatorship Brazil, not one of the 444 named torturers suffered any sanction, other than occasional harassment by campaign groups like Amnesty International. A large number continued working in police interrogation centres across the country, some indeed becoming the subject of more recent allegations of torture; most have ended up retiring on generous state pensions.

The Brazilian experience from 1964 offers evidence to Ricouer's claims about the instrumentalization and abuse of memory. Here, the military, mainstream media and even the first civilian governments armed themselves with an 'authorized' history that undersold the violence of the *ditadura* and spoke to the interests of the armed forces. Although there were some signs of progress, such as the creation of the *Comissão da Anistia* (Amnesty Commission) in 2001 to receive and investigate claims against

the military, as recently as February 2004, military pressure forced the government to obstruct a judgment ordering the opening of military files. Shortly thereafter, the government claimed that all records had been destroyed by the military in the 1970s and 1980s.

Brazil: from distensão to fragmentação

When compared to prior civilian governments, which have variously shirked, dodged and closed down on attempts to usurp the violent past, the sequential PT administrations since 2005 have been quite proactive. Under the leadership of Luiz Inácio Lula da Silva, compensation for the families of the disappeared was extended. Da Silva also appointed Paulo Vannuchi, a former activist and dissident under the regime, to the position of Human Rights Minister; a move that caused discomfort within the military. In 2006 and 2009, Vannuchi led the *Direito à verdade e à memória* (Right of Memory and Truth) and the *Memórias Reveladas* (Revealed Memories) projects, which inaugurated exhibitions and monuments to those assassinated by the regime. In 2007, the Amnesty Commission extended its work, collaborating with trade unions, universities and faith groups across the country to initiate caravans: local hearings that allow victims of repression the possibility of public acknowledgement, apology and reparation for the crimes of Brazil's dictatorship. Under Lula's leadership, the possibility of establishing a Truth Commission was publicly debated for the first time (Goes 2013). Later, Dilma Rousseff's presidency presented an opportune moment for the creation of a Truth Commission, with a president who was herself a victim of human rights violations under the military regime (Engstrom 2012). The former guerilla fighter, who was jailed and tortured under the military regime, first opened military records in 2011 and then inaugurated Brazil's *Comissão Nacional da Verdade* (National Truth Commission or CNV) on May 10, 2013. High profile PT officials have claimed that the CNV is a mark of Brazil's modern democratic character, signaling that the country is 'now stable enough to seek the truth, following a long soul-searching process' (Ogier 2012). Brazil's former Defense Minister Celso Amorim, for example, has variously described the inauguration of the CNV and other truth projects as an 'epilogue to the democratic transition' (ibid.), arguing that the PT's turn to memory has strengthened democracy (Amorim 2011).

So, why the shift in emphasis? On the one hand, many observers have linked the PT's endeavors to resurrect and shift the parameters of collective memory to the personal experiences and interests of Da Silva, Rousseff and Vannuchi.

The origins of the new 'politics of memory' in Brazil are partially rooted in the agents advancing this agenda. As union leader, Lula himself played a key role in opposing the military regime and in the process of democratization (Alves, 1985: 203, 209). Various members of Lula's government were guerrilla fighters or student leaders who opposed the regime. According to Maria Celina D'Araújo (2010), 49 per cent of the ministers in Lula's two governments have 'political experience in the underground' such as clandestine opposition to the dictatorship. Vannuchi and Presidential Chief of Staff Dilma Rousseff both experienced

prison and torture (Schneider 2010:10)

This explanation has been forcefully seized upon by the PT's critics, who have accused the trio of enacting a vindictive policy programme against the right wing and military. A more compelling argument however, is that efforts to re-inscribe the collective memory stem from the PT's now well-established practice of pragmatic government (Bremmer and Garman 2010), which in this instance seeks to balance an entrenched domestic reticence against an 'international logic of appropriateness'.

Checkel (1998; 1999) and others argue that state action is driven by rules of appropriate or exemplary behaviour. The pursuit of individual or national interest is often mediated by a need to 'fulfil the obligations encapsulated in a role, an identity, a membership in a political community or group, and the ethos, practices and expectations of its institutions. Embedded in a social collectivity, [state actors] do what they see as appropriate for themselves in a specific type of situation' (March and Olsen 2004:3). More to the point, since Brazil's return to civilian rule, international observers have become increasingly attentive to the contradictions of the country's legacy of impunity. Amnesty International, the Inter American Court of Human Rights - Latin America's regional human rights mechanism - and the former United Nations High Commissioner for Human Rights, Navi Pillay are amongst those that have led calls for truth, justice and an end to impunity. In 2009 for example, Pillay claimed that the absence of debate around torture merely reaffirmed a legacy of legitimacy for authoritarianism.

Brazil is the only country in South America not to have taken action to confront abuses committed during the period of military rule. While I recognize that this is a politically sensitive subject, there are ways of dealing with it which avoid reopening the wounds of the past and help to heal them instead. Torture, however, is an exception. International law is unequivocal: torture is a crime against humanity and cannot be left unpunished. The fact that the torture that took place in the military era has still not been dealt with by Brazil means that the proper, clear disincentives to commit torture now and in the future are not in place (Pillay 2009).

The political costs of ignoring calls to confront the past are high for a state keen emerge as a global power and shed the 'sleeping giant' trope. And yet, due to the very particular characteristics of the *dictadura* and *distensão* explored in the preceding section, domestic civil society support for truth and justice initiatives has not always matched up to international demands. Although some organizations such as *Tortura Nunca Mais*, the *Ordem Advogados Brasileiros* (Brazilian Bar Association or OAB), the *Frente de Esculacho Popular* and *Levante Popular da Juventude* have worked tirelessly to raise the profile of victims and challenge the entrenched culture of silence and 'unremembering' in Brazil, they have faced persistent denial or justification by a military institution that has retained high levels of popular support. Opinion polls from 2009, for example, suggested that up to 45% of the populace were opposed to the punishment of former police and military personnel found guilty of torture (DataFolha cited by Schneider 2011).

One of the most important achievements of the PT's truth initiatives has been the opening up of political space in Brazil. Through initiatives such as the caravanas, art exhibitions and most recently the CNV, the state has provided new spaces for discussion, debate and listening that allow previously marginalized actors and memories be amplified and legitimized. The testimony of retired army colonel Paulo Malhães to the CNV in 2014, for instance, confirmed that torture was institutionalized within the military state. Meirelles (2014) adds: 'For the first time a former army officer admitted the existence of centers of torture and that he worked at one of them – the so-called "House [of] Death" (Casa da Morte)'. Moreover, as memories of torture have been revealed, they have prompted a re-examination of the present. In particular, the persistence of high levels of violence and impunity throughout Brazil's criminal justice system have increasingly been called to attention by scholars, social movements, campaign groups and the media. As Wilcken (2012) summarizes, today "[t]here is a strong argument that the persistence of torture throughout Brazil's criminal justice system is a hangover from dictatorship-era structures and techniques. All that has changed are the targets: in place of the university-educated left-wing activists, who have long since rejoined the elite, are the marginais, or delinquents—overwhelmingly young, poor, black men picked up in favelas on petty drug charges".

Cognitive dissonance is the term psychologists use to describe the feeling of uncomfortable tension which comes from holding two conflicting thoughts in the mind at the same time (Evans 2015). The seeming contradiction of a governing party promoting an agenda of truth about past violences, whilst failing to deal comprehensively with ongoing police brutality was one of several issues brought into sharp relief in June 2013, when a few thousand demonstrators in Sao Paulo, led by the Movimento Passe Livre (Free Pass Movement) mounted an opposition to an impending rise in the cost of public transport. The police clamped down hard on the protestors, using a combination of teargas, pepper-spray, and rubber bullets to quell them. Yet, this only led to an escalation of contention. Upon witnessing the violence via their television sets and computers, 'up to a million people across 100 cities' assembled on the streets (BBC 2013). They protested against the combination of poor public services, police violence and corruption all linked to planned sports mega-events – the 2014 World Cup and the 2016 Olympic Games.

Whilst Brazil has seen many new social movements emerge in the last decade, many have been pre-occupied with identarian politics and have followed the horizontal mobilization patterns, anti-institutionalist and transnationalist tone of the earlier alter-globalization movement (Abers 2013). Whilst these elements were also present during the 2013 protests, anti-dictatorship slogans achieved a special prominence, with graffiti on the state security department building drawing explicit links to the dictatorship. Mollona (2014) posits that, 'Perhaps in normal circumstances, the violence of the police might have passed unnoticed. But these heavy repressive measures coincided with the public debates on the military regime and on Brazil's unfinished transition to democracy generated by the work of the National Commission of Truth (CNV)'.

However, contention around the PT's memory initiatives - particularly the CNV - also

reminds us that attempts to shift the terrain of collective memory can catalyze conflict and even unsettle the political system. In 2009, after Lula da Silva announced plans to set up a truth commission that would investigate crimes committed during the military dictatorships, the Defense Minister, Nelson Jobim, and three leading military officials tendered their resignations. In the midst of this debate, popular magazines including *Veja* came out in defense of the military, describing the Human Rights Minister as a 'madman', and even 'a terrorist...with a pen' (Schneider 2011). 'Even as the first stirrings of dissent within the government were being aired, the Minister of Defence Nelson Jobim, the Supreme Court judge Gilmar Mendes and, most crucially, the Attorney General's office went on the counter-attack, vigorously defending the broadest possible interpretation of the Amnesty Law' (Wilcken 2012). Since then, resistance from the military and its right-wing support base in Brazil have not abated. Pressures from the military worked to curb the mandate of the proposed CNV, meaning that its early tone was conciliatory. A 2010 Supreme Court decision reaffirming the Amnesty Law also insulated former torturers against legal proceedings. Nonetheless, even as the CNV was underway in 2014, excavating histories of violence perpetrated against fellow citizens, over a thousand demonstrators marched in cities across Brazil in a restaging of the 1964 'March of the Family with God', the action that ushered in the period of military rule.

This event was one among many organized in 2014 and 2015 by an increasingly vocal pro-dictatorship movement in Brazil. Tempered by allegations of corruption within the high ranks of the PT, plummeting public approval ratings for the governing party, high rates of unemployment, inflation and concerns over migrant flows, this movement has gained increasing momentum. Gatehouse (2014) observes a number of commemorative events that have been initiated or appropriated by the pro-military movement intent on celebrating the 'achievements' of the dictatorship years. These include a mass held in Brasília as well as an event held in Congress where the ex-soldier, now Congressman, Jair Bolsonaro released a banner reading 'Congratulations to the military 31st / March / 1964: Thanks to you Brazil is not Cuba.' Gatehouse (2014) warns that it is not just the military who have been engaged in the defense of a collective memory broadly favorable to the regime. In February 2014, Itaú, Brazil's largest private bank, issued a calendar/planner in which the 31st of March was labeled 'as 'the anniversary of the 1964 revolution' – 'revolution' being the preferred term of members of the military and those sympathetic to the dictatorship'. One month later, a Law professor at the University of São Paulo lectured that, 'the coup occurred at a time when "leftist totalitarian socialism was seeking to take total control of Brazil"' (Gatehouse 2014). Following Rousseff's narrow re-election in October 2014, about a thousand people mounted a demonstration on the main thoroughfare of the Avenida Paulista, Sao Paulo, calling for a military coup (SP247 2014).

Based on 1,000 witness statements and 80 public hearings, the CNV released its final report in December 2014. It lists 377 'autores' (perpetrators) of human rights abuses, recommending that the Brazilian judiciary work to establish legal responsibility and not apply the 1979 Amnesty Law in relation to cases of torture. The report also called for institutional and legal reform of the Armed Forces and for them to take full institutional responsibility for atrocities committed. These recommendations have further ignited hostilities between the PT and the military's

support base. In 2015, conservative figures with backgrounds in the police or armed forces such as Moroni Torgan, Waldir Soares, Éder Mauro, Jair Bolsonaro and his son Eduardo used increasingly belligerent language against President Rousseff. Meanwhile, marches and demonstrations on the streets of São Paulo drew up to 200,000 participants and called for: 'Fora Dilma' [Dilma out]; 'Fora PT' [PT out]. Amongst the crowds there some strong reactions encapsulated in banners reading: 'o povo é soberano, intervenção militar não é crime' [the people are sovereign, military intervention is not a crime]; and, referring to the PT administration specifically, 'porque não mataram todos em 1964?' [why weren't they all killed in 1964?].

At the other end of the scale are expressions of discontent over concessions that the PT has made to the military. The Levante Popular da Juventude (Popular Youth Uprising) are amongst those CSO's that have benefitted from the opening up of political space under the PT. The movement emerged around 2011, and became active campaigners for the formation of the Truth Commission. Yet, in the years since the inauguration of the CNV, the Levante Popular da Juventude have altered their tone and ambitions, calling ever more loudly for the revocation of the Amnesty Law and the trial of former officers. As Hamber and Wilson (2002:53) explain, truth commissions may well facilitate a common and shared memory, but a challenge is that individual and collective-institutional timelines and requirements for closure quite often diverge. We might find that: 'Truth commissions do not heal the nation, restore the collective psyche or categorically deal with the past [...] They may [...] cause further psychological trauma when individuals ...are expected to advance at the same pace as the state institutions which are created in their name, but which are primarily pursuing a national political agenda'.

Prevalent among the actions of the Levante Popular da Juventude is a practice known as '*esculacho*'. Esculachos are 'something between a march, an action or happening, and a public shaming' (Whitener 2009:21). Through localized demonstrations and performances, they identify torturers and officials of the 1964-1985 military regime. In May 2011 for example, the group targeted the alleged torturer of Dilma Rousseff, spraying 'Dilma's torturer lives here' in red paint on the pavement outside the home of former military official Maurício Lopes Lima. Esculacho or *escrache* (in Spanish) originated over two decades ago in Argentina when the campaign group HIJOS mobilized to denounce impunity for torturers and officials of that country's dictatorship. Escraches emerged at a juncture when criminal proceedings had stalled. They are widely are considered a form of 'Do It Yourself' justice, but in Argentina at least, they have divided public and scholarly opinion. Whilst some have acknowledged the role of the Argentine *escraches* as a kind of catalyst ushering progress toward criminal trials for torturers, others have been rather more wary of the ways that these direct actions allow protestors to take matters into their own hands without fair trial or due process. Some have likened the Argentine *escrache* to a form of mob justice and vigilantism that has the potential to engender and escalate cycles of violence and retribution. As Russell (2014) highlights, although it is tempting to use existing Argentine ideas to inform the study of *esculachos* in Brazil, it would be wrong to simply transfer theoretical insights across from one case to the next. Although the contentious performances in Brazil are undoubtedly informed by the Argentine example, it is important to note that they

have emerged and evolved in a unique social and historical context. It remains to be seen exactly how the Brazilian *esculacho*, as a relatively recent manifestation, will interact with existing and evolving democratic and legal processes.

Reflections

This article had two closely related aims: i) to redirect analytical focus toward the relationship between collective memory in the 'self organizing sphere' and political outcomes; and, ii) to use insights gleaned from the marriage of civil society and social memory studies literatures as a guide to understanding the Brazilian experience. With these aims in mind, the first two parts of this paper sought to revisit and connect scholarly works from the traditions of civil society and social memory studies in order to explore the somewhat ambiguous relationship between collective memory, civil society and democracy. This theoretical excavation suggested that when actors in civil society are pressed or prompted to 'remember', progress toward democracy can be variously strengthened, disrupted or stalled. Crucially, what becomes collective memory, who promotes it, and when they do so, can all alter the prospects for democratic deepening. On the one hand, this tell us that numbers are not enough - ensuring a large or dense civil society does not guarantee progress toward democracy. On the other hand, it also provides grounds for questioning the PT's claim that Brazil's recent 'turn to memory' is a suitable epilogue to the transition that will help to consolidate democracy in the country.

The second half of this paper centred on the case of Brazil. Explorations into Brazil's process of 'forgetting' and it's recent steps towards 'remembering' reveal collective memory as a site of on-going strategic action, where interests have been pursued, often in contradistinction to clearly defined democratic outcomes. A close reading of the Brazilian example suggests that in taking up calls to recover the past, the governing PT party has opened up democratic space and brought entrenched structures of violence to the forefront of public consciousness. However, there is also evidence that the 'turn to memory' has accelerated processes of political fracture or fragmentation in Brazil, with CSO's from across the political spectrum vying for different objectives and outcomes related to the CNV. Within this, the emergence of an increasingly vocal pro-dictatorship movement suggests that it may still be too early to claim an out and out victory for democracy in Brazil. To borrow from Linz and Stepan (1996): democracy is not yet 'the only game in town'. The recent growth of this movement suggests that establishing "democratic legitimacy" (Encarnación 2003) is an ongoing challenge for the PT's leadership and it remains unclear just how much - if at all - the CNV and related memory initiatives can boost public confidence in democracy. The record thus far is mixed at best and indicates that the shift from an 'absent' to a 'present' past in Brazil holds altogether uncertain prospects for further democratic deepening.

8.980 words

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